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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/576,368

04/19/2006

Terumasa Miyahara

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09/08/2008

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ALEXANDRIA, VA 22320-4850

EXAMINER

RACHUBA, MAURINA T

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

09/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/576,368 | Applicant(s) MIYAHARA ET AL. | |
| | Examiner Maurina Rachuba | Art Unit 3723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 16, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 11-15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed 22 January 2008, a Notice of non-responsive amendment was mailed 15 May 2008. During an interview on 16 June, 2008, the examiner agreed to amend the restriction requirement, to include claims 11-15, as reading on the claimed species. Claims 11-15 have been rejoined. Group I, and species 2a, 2c, and 2d are still withdrawn from consideration as being drawn to a non-elected invention or species.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification describes the turret as being concentric and parallel with the object holder, not the first polishing body-holding unit. See page 16 of the specification.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3723

5. Claims 7, and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al, 5,938,510 in view of Hutchison et al, 5,954,569, both previously cited. '510 discloses the claimed invention, including an optical disk restoration apparatus, which comprises: a rotatable object holder **21** for holding an object **1A** to be polished; a turret for holding multiple polishing bodies **5**; a linking mechanism **47** for holding one of the polishing bodies while allowing its rotation; a pressing/separating means **61** for pressing or separating the object to be polished and the polishing body held by the linking mechanism onto or from each other; and a driver **35** for rotating at least the linking mechanism; a rotating controller **25** for regulating the rotation of the object to be polished.. '510 does not disclose a linking part connecting the rotation controller and the object holder inserted through a cavity of a shaft of the turret. In a similar apparatus, '569, figure 5, teaches the use of a guide pin **32** that is inserted through a cavity of a shaft of the turret. It would have been obvious to one of ordinary skill in the art to have provided '510 with the linking part inserted through a cavity of a shaft of the turret for the predictable result of securing the workpiece relative to the tools, see column 3, lines 47-50 and column 5, lines 14-22. Regarding claim 13, '510 discloses that the polishing body holding units are concentric and parallel to the object holder, in that their axes are parallel to the axis of the object holder.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al, 5,938,510 in view of Hutchison et al, 5,954,569 as applied to claim 7 above, and further in view of Senga et al, 6,520,895. '510 as modified by '569 does not disclose that the turret holds a unit by a magnetic force. It is the examiner's position

Art Unit: 3723

that the use of magnets to provide a temporary connection between two bodies is old and well known, as taught by '895, column 4, lines 55 through column 5, lines 14. As both the references teach apparatus for providing a connection between two bodies (see '320, figure 3, for example screw 24 holding 55 to carrier 35a), it would have been obvious to one skilled in the art to substitute one connecting device for the other to achieve the predictable result of providing a connection between two bodies that is easily disconnected.

Response to Arguments

7. Applicant's arguments with respect to claims 7, 11-15 and 17 have been considered but are moot in view of the new ground(s) of rejection. As claims 11-15 have been rejoined, this action is made non-final to allow applicant fair opportunity to respond.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Rachuba/
Primary Examiner, Art Unit 3723